

**Robert Vallie-Assistant State's Attorney
Cass County State's Attorney's Office
Testimony Concerning Senate Bill 2252
January 31, 2023**

Madam Chair and members of the Senate Judiciary Committee,

My name is Robert Vallie and I am an Assistant State's Attorney with the Cass County State's Attorney's Office. I stand in opposition to the passage of Senate Bill 2252, which would remove the usage of judicial referees. In review of the materials already submitted, a number of arguments have been made from the judicial districts that will be impacted by this proposal. I believe the information provided in that testimony is important and helps to better understand the important role judicial referees from the perspective of our judges. My testimony will be reflective of an attorney at counsel table, who interacts with the bench on a daily basis and the benefits judicial referees provide.

Since my licensure in 2017, my entire legal career has been spent in the role of an Assistant State's Attorney. In that time, I have had the opportunity to work for both the Ward County State's Attorney's Office and the Cass County State's Attorney's Office. Both counties are a part of two of the three judicial districts that use judicial referees. I have also had the opportunity in my time in Cass County to practice in front of judicial referees on a regular basis. In my time, I have had the opportunity to practice in front of four judicial referees and have previously worked with a fifth. Each referee received their law degree. Each referee was admitted to the North Dakota Bar, with admission years ranging from 1979 to 2008. Each referee, prior to taking the bench had a variety of legal experience. These experiences include municipal court judge, Assistant State's Attorney, Assistant Attorney General, and private attorneys ranging from single attorney firms to large firms operating in multiple states. Each with years of experience in their fields of criminal, civil and juvenile law. Each Referee, like any other attorney or Judge, is held to certain rules of conduct and responsibility. The decision made can be challenged and reviewed by a higher court or authority.

Each Referee, with their varying experiences, handle a number of important matters that come through our court system every day. These include ones where a State's Attorney's Office would be involved such as Juvenile Court, child support hearings and Traffic Court. They also include others, such as termination of parental rights, small claims and various protection or restraining orders. Many of these matters, can operate under varying timeframes, rules or statutes, in comparison to a criminal case, or a civil matter you may think of as normal. Others can be emotional and high stress matters that require more time and attention, such as juvenile or family law matters. While many of these may not receive the same attention from the public, they are all critical in protecting individuals, the community and promoting Justice in whatever form it may be. In my experience, referees have been used with great success in allowing a consistent presence in matters like Juvenile Court, to follow those cases and their complexities from beginning to end. For other matters, like small claims or child support hearings, having a referee working on particular areas also allows the opportunity to build experience in those areas, or use their current experience to better serve in making a decision

in these matters. These referees help to move our judicial system forward, even as cases and demands increase across the State.

Additionally, Referees are flexible to the unique demands and geography of the districts they serve. In my time in Ward County, a District Court Judge would handle certain matters, like Traffic Court, whereas in Cass County, those matters are exclusively handled by Judicial Referees. In reviewing the testimony of the various Judicial Districts, I think it becomes clear that if it is efficient and effective for various matters to be handled by a District Court Judge, it continues to be the case. However, if it is more efficient in time and resources to allow Judicial Referees to handle matters, they have done so. I believe it speaks to the recognition of our Judicial Districts to make the most out of the valuable resources they are provided and to meet the demands of our taxpayers.

In every aspect of North Dakota's Court System, demands are increasing. Whether an increase in criminal charges, civil hearings or whatever metric you would prefer to review, our entire judicial system and those who are entrusted to carry out the needs of our citizens are being stretched thin. Our Judicial Branch requires additional resources and FTEs in order to combat the increased workload faced across the State, versus re-classifying Referees to District Judges.

In my experience, these judicial officers provide an necessary service to the elected District Judges in their areas and to the citizens of North Dakota. By removing the ability for our Court System to utilize these valuable and important resources would do a disservice to ensure resolution of those matters of concerns for citizens, each and every day.

Madam Chair and members of the Committee, thank you for the opportunity to provide testimony to this important issue. I urge a Do Not Pass Recommendation and happy to address any questions you may have as you deliberate this matter.

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